

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
)
v.) CRIMINAL ACTION NO.
) 2:07cr218-MHT
MONIQUE ROSHAUN CANIDATE)

ORDER

This case is now before the court on defendant Monique Roshaun Canidate's motion to continue trial, which is currently set for November 5, 2007. In light of the fact that the government has no objection to the continuance motion and for the reasons set forth below, the court concludes that the continuance motion should be granted.

While the granting of a continuance is left to the sound discretion of the trial judge, United States v. Stitzer, 785 F.2d 1506, 1516 (11th Cir.), cert. denied, 479 U.S. 823 (1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an ... indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the ... indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

18 U.S.C. § 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

The court concludes that, in this case, a continuance is necessary. The parties are in the midst of plea negotiations and agree that they will soon reach a resolution. Thus, the ends of justice served by granting a continuance outweigh the interest of the public and Canidate in a speedy trial.

Accordingly, it is ORDERED as follows:

(1) Defendant Monique Roshaun Canidate's motion to continue (Doc. No. 16) is granted.

(2) Defendant Canidate's trial and jury selection are continued to the criminal term of court commencing December 10, 2007.

DONE, this the 23rd day of October, 2007.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE